

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

[illegible]

**NOTICE OF VOLUNTARY DISMISSAL OF PLAINTIFFS' CLAIMS AGAINST
BAYER CORPORATION AND BAYER PHARMACEUTICALS CORPORATION**

IT IS HEREBY STIPULATED AND AGREED, by and between plaintiffs, the Consolidated New York Counties and defendants Bayer Corporation and Bayer Pharmaceuticals Corporation (“Bayer”), by and through their respective attorneys, pursuant to Fed. R. Civ. P. 41 and the terms of the Settlement Agreement between the Consolidated New York Counties and Bayer, that all claims in this action against Bayer are dismissed with prejudice and without costs to any party.

Dated: August 2, 2010

Respectfully submitted,

By: /s/ Joanne M. Cicala
Joanne M. Cicala, Esq.
Kirby McInerney LLP
825 Third Avenue
New York, NY 10022
212-371-6600

*On Behalf of Plaintiffs the Consolidated New York
Counties*

By: _____ /s/

Richard D. Raskin
Michael P. Doss
Benjamin J. Keith
Sidley Austin LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000

*On Behalf of Bayer Corporation and Bayer
Pharmaceuticals Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2010, I caused a true and correct copy of the foregoing, Notice of Voluntary Dismissal of Plaintiffs' Claims Against Bayer Corporation and Bayer Pharmaceuticals Corporation, to be served on counsel of record for each party through the Court's Electronic Case Filing System and via LexisNexis File & Serve.

/s/ James Carroll
KIRBY McINERNEY LLP